



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re: Shapes

Debtor.

Case No.: 08-14631(GMB)

New Jersey Department of Environmental Protection

v.

Shapes

Adv. No.:

Pre-Trial Hearing Date:

Judge: The Honorable Gloria M. Burns

**JOINT ORDER SCHEDULING  
PRETRIAL PROCEEDINGS AND TRIAL**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby  
ORDERED.

**DATED: 6/29/2009**

  
\_\_\_\_\_  
Honorable Gloria M Burns  
United States Bankruptcy Court Judge

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Debtor: Shapes

Case No. 08-14631(GMB)

Adv. Pro. No.

**Joint Order Scheduling Pretrial Proceedings and Trial**

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A pretrial conference having been scheduled pursuant to *Fed.R.Civ.P* 16(b) and (e), made applicable to these proceedings by *Fed.R.Bankr.P.* 7016, it is

ORDERED that

1. All written discovery is to be completed by September 15, 2009. Any motions to compel discovery are to be made so that the court can rule and the discovery can be obtained before that date. Late filed discovery motions shall not constitute cause for adjournment of the scheduled trial date.
2. Fact depositions are to be completed by November 16, 2009.
3. Expert witness reports of the New Jersey Department of Environmental Protection are to be disclosed to Shapes by December 15, 2009.
4. Expert witness reports of Shapes are to be disclosed to the New Jersey Department of Environmental Protection by January 15, 2010.
5. Depositions of the expert witnesses of both parties shall be completed by April 15, 2010.
6. All other motions, including any motions for summary judgment, shall be filed no later than May 17, 2010 and returnable no later than June 18, 2010. Late filed motions shall not constitute cause for adjournment of the trial date.
7. ☐ (CHECK IF APPLICABLE) The parties agree to pursue mediation to attempt to resolve disputed matters. A separate mediation order selecting a mediator and providing for a mediation schedule shall be submitted within ten (10) days.

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8. New Jersey Department of Environmental Protection shall file a joint stipulation of all undisputed facts and all parties shall file and serve proposed findings of disputed facts, proposed conclusions of law, trial briefs if desired by the party, and binders with copies of premarked exhibits no later than 3 days before trial. The parties anticipate a trial of approximately 10 days.

9. All parties shall also bring to the trial sufficient copies of their exhibit lists to provide two to the Court and one to each adversary.

10. TRIAL will commence on Sept. 9, 2010 at 10 \_ o'clock. or as soon thereafter as the matter may be heard at:

Address: United States Bankruptcy Court  
District of New Jersey  
401 Market Street  
Camden, NJ 08101  
Courtroom: The Honorable Gloria M. Burns  
Courtroom 4C

**PARTIES MUST BE PREPARED TO PROCEED TO TRIAL ON THE SCHEDULED DATE. ADJOURNMENTS WILL BE GRANTED ONLY FOR COMPELLING REASONS BEYOND THE CONTROL OF THE PARTIES. ADJOURNMENT REQUESTS MUST BE RECEIVED NO LATER THAN THE THIRD BUSINESS DAY BEFORE THE SCHEDULED TRIAL DATE.**

The undersigned hereby consent to the form and content of this Scheduling Order.

Attorneys for Plaintiff

Attorneys for Defendant

By: /s/  
Richard F. Engel, Esquire

By: /s/  
Kevin M. McKenna, Esquire

# CERTIFICATE OF NOTICE

District/off: 0312-1  
Case: 08-14631

User: kryan  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jun 30, 2009

The following entities were noticed by first class mail on Jul 02, 2009.  
db +Shapes/Arch Holdings L.L.C., 9000 River Road, Delair, NJ 08110-3204

The following entities were noticed by electronic transmission.  
NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 02, 2009

Signature:

